



08-10-04

RCE ✓

<b>Mail Stop RCE</b>  <b>REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</b>	Application Number	09/624,869
	Filing Date	August 8, 2001
	Inventor(s)	SCARBERRY
	Conf. No.	2885
	Group Art Unit	3764
	Examiner	Pham, H.
Express Mail Label No.: EL 997387426 US	Attorney Docket No.	99-31

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/ISB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

a. ☒ Previously submitted

i. ☒ Consider the Amendment(s)/Response under 37 C.F.R. § 1.116 previously filed on June 8, 2004  
(Any unentered Amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

iii. ☐ Other: \_\_\_\_\_

b. ☐ Enclosed

i. ☐ Amendment/Reply;

ii. ☐ Affidavit(s)/Declaration(s);

iii. ☐ Information Disclosure Statement (IDS); and/or

iv. ☐ Other: \_\_\_\_\_

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)

b. ☐ Other: \_\_\_\_\_

3. **Petition For Extension of Time**

A Petition to Extend the life of the present application to at least to the date hereof:

a. ☐ is not necessary.

b. ☐ was previously filed on \_\_\_\_\_.

c. ☒ is being concurrently filed in this application. (The fee for this petition is itemized below)

4. **Fees** (Fee Transmittal Form is attached - in duplicate)

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments to Deposit Account No. 50-0558.

i. ☒ RCE fee of \$770.00 required under 37 C.F.R. § 1.17(e)

ii. ☒ Extension of time fee of \$420.00 required under 37 C.F.R. §§ 1.136 and 1.17

iii. ☐ Other: \_\_\_\_\_

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed, check no. \_\_\_\_\_

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Individual and Company	Michael W. Haas, Reg. No. 35,174 RESPIRONICS, Inc., 1010 Murry Ridge Lane, Murrysville PA, 15668
Signature	<i>Michael W. Haas</i>
Date	August 9, 2004

CERTIFICATE OF MAILING	
I hereby certify that this correspondence and all enclosures are being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: <u>August 9, 2004</u> . Express Mail Label No. <u>EL 997387426 US</u> .	
Typed Name	Michael W. Haas, Reg. No. 35,174
Signature	<i>Michael W. Haas</i>
Date	August 9, 2004

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